

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAEVON MARKELL TURNER,

Plaintiff,

v.

CUS BUTLER, *et al.*,

Defendants.

Case No. C21-5070-TSZ-MLP

ORDER DENYING PLAINTIFF'S
REQUESTS TO INTRODUCE
WITNESS STATEMENTS

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. This matter comes before the Court on Plaintiff's motion to introduce, and have considered, the witness statement of fellow inmate Jasper Phillips (dkt. # 33), and on his separately filed request to submit, and have considered, the witness statement of fellow inmate James Moore (dkt. # 34). These submissions appear to constitute attempts by Plaintiff to add evidence to the record before this Court. However, evidence may not be randomly submitted to the Court. There must instead be some context for consideration of the proffered evidence. Typically, evidence is submitted to the Court in support of, or in opposition to, a pending motion. The evidence submitted by Plaintiff is

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1 untethered from any pending motion, aside from Plaintiff's motion to introduce one of the
2 statements (dkt. # 33), and is therefore not properly before the Court at this time.

3 Accordingly, the Court hereby ORDERS as follows:

4 (1) Plaintiff's motion to introduce the witness statement of Jasper Phillips (dkt. # 33)
5 is DENIED, and the witness statements of Jasper Phillips (*id.* at 2-3), and James Moore (dkt. #
6 34 at 2) are STRICKEN from the record. Plaintiff may resubmit his evidence at a later date,
7 assuming there is an appropriate context in which to do so, such as in support of, or in opposition
8 to, a motion for summary judgment.¹

9 (2) The Clerk is directed to send copies of this Order to Plaintiff and to counsel for
10 Defendants.

11 Dated this 21st day of December, 2021.

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14 MICHELLE L. PETERSON
15 United States Magistrate Judge
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22 ¹ The Court also observes that the witness statement of Mr. Moore does not contain any signature, a
23 deficiency which Plaintiff will need to correct should he elect to submit the evidence at a later date.